

STEVEN BELL,

V.

UHG I LLC and JTM CAPITAL
MANAGEMENT, LLC,

PLAINTIFF'S COMPLAINT

Plaintiff, STEVEN BELL (“Plaintiff”), through his attorney, SHARON D. COUSINEAU, alleges the following against Defendants, UHG I LLC (“UHG”) and JTM CAPITAL MANAGEMENT, LLC (“JTM Capital”) (“Defendants” collectively):

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

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JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k FDCPA.
3. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Venue and personal jurisdiction in this District are proper because Defendants do or transact business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiff is a natural person residing in the City of Spokane, Spokane County, State of Washington.
6. Plaintiff is a consumer as that term is defined by the FDCPA.
7. Plaintiff allegedly owes a debt as that term is defined by the FDCPA.
8. Defendants are debt collectors as that term is defined by the FDCPA.
9. Within the last year, Defendants attempted to collect a consumer debt from Plaintiff.
10. UHG is a New York-organized limited liability company and national debt collection agency located in the City of Williamsville, Erie County, State of New York.
11. JTM Capital is a New York-organized limited liability company and national debt collection agency located in the City of Buffalo, Erie County, State of New York.
12. Defendants are business entities engaged in the collection of debt within the State of Washington.
13. Defendants’ business includes, but is not limited to, collecting on unpaid, outstanding account balances.

1 14. When an unpaid, outstanding account is placed with Defendants it is assigned a file
2 number.

3 15. The principal purpose of Defendants' business is the collection of debts allegedly owed to
4 third parties.

5 16. Defendants regularly collect, or attempts to collect, debts allegedly owed to third parties.

6 17. During the course of its attempts to collect debts allegedly owed to third parties,
7 Defendants send to alleged debtors bills, statements, and/or other correspondence, via the
8 mail and/or electronic mail, and initiate contact with alleged debtors via various means of
9 telecommunication, such as by telephone and facsimile.

10 18. Defendants acts throUHG its agents, employees, officers, members, directors, heirs,
11 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

12 **FACTUAL ALLEGATIONS**

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14 19. Defendants are attempting to collect a consumer debt from Plaintiff, allegedly arising from
15 a Capital One Bank account.

16 20. Plaintiff's alleged debt owed arises from transactions for personal, family, or household
17 purposes.

18 21. At all times relevant hereto, JTM Capital owned the alleged debt.

19 22. At all times relevant hereto, UHG was engaged by JTM Capital to collect the alleged debt.

20 23. Within the past year of Plaintiff filing this Complaint, UHG began placing collection calls
21 to Plaintiff in an attempt to collect the alleged debt.

22 24. UHG called Plaintiff on his telephone number at xxx-xxx-0560 and xxx-xxx-2899, in an
23 attempt to collect the alleged debt.

24 25. UHG calls Plaintiff from 866-651-7663, which is one of UHG's telephone numbers.
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1 26. Plaintiff is not the debtor Defendants seek to collect from.

2 27. Plaintiff has never had an account with Capital One Bank.

3 28. The alleged debt is owed by another “Steven Bell.”

4 29. On or about July 10, 2020, Plaintiff answered a collection call from UHG and spoke with
5 one of UHG’s female collectors.

6 30. During the above-referenced collection call, Plaintiff provided his social security number
7 to UHG’s female collector.

8 31. Plaintiff’s social security number provided to UHG’s female collector is different than that
9 of the true debtor.

10 32. During the above-referenced collection call, UHG’s female collector accused Plaintiff of
11 being a liar and lying about his social security number.

12 33. During the above-referenced collection call, UHG’s female collector threatened to take
13 legal action against Plaintiff.

14 34. To date, Defendants have not taken legal action Plaintiff.

15 35. Defendants cannot lawfully take legal action against Plaintiff because Plaintiff does not
16 owe the alleged debt.

17 36. UHG’s above-referenced actions were an attempt to coerce Plaintiff into payment of the
18 alleged debt.

19 37. The natural consequences of UHG’s female collector’s actions was to unjustly condemn
20 and vilify Plaintiff for his non-payment of the debt Plaintiff allegedly owed.

21 38. The natural consequences of UHG’s female collector’s actions was to produce an
22 unpleasant and/or hostile situation between UHG and Plaintiff.
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1 39. The natural consequences of UHG's female collector's actions were to cause Plaintiff
2 mental distress.

3 **DEFENDANTS VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

4 40. Defendants violated the FDCPA based on the following:

- 5 a. Defendants violated § 1692d of the FDCPA by engaging in conduct that the natural
6 consequences of which was to harass, oppress, and abuse Plaintiff in connection
7 with the collection of an alleged debt, when UHG's female collector falsely
8 accused Plaintiff of lying to her;
- 9 b. Defendants violated § 1692e of the FDCPA by its use of any false, deceptive, or
10 misleading representation or means in connection with the collection of any debt,
11 when Defendant engaged in engaged in, at least, the following discrete violations
12 of § 1692e;
- 13 c. Defendants violated § 1692e(5) of the FDCPA by threatening to take action that
14 cannot lawfully be taken, when UHG's female collector threatened to take legal
15 action against Plaintiff and Defendants could not lawfully take such action against
16 Plaintiff because Plaintiff does not owe the alleged debt;
- 17 d. Defendants violated § 1692e(10) of the FDCPA by using any false representation
18 or deceptive means to collect or attempt to collect any debt, when UHG's female
19 collector falsely accused Plaintiff of lying to her; and
- 20 e. Defendants violated § 1692f of the FDCPA by its use of unfair or unconscionable
21 means to collect or attempt to collect any debt, when Defendants engaged in all of
22 the foregoing misconduct.
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1 WHEREFORE, Plaintiff, STEVEN BELL, respectfully requests judgment be entered
2 against Defendants, UHG I LLC and JTM CAPITAL MANAGEMENT, LLC, for the following:

- 3 a. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act,
4 15 U.S.C. 1692k;
- 5 b. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices
6 Act, 15 U.S.C. 1692k; and
- 7 c. Any other relief that this Honorable Court deems appropriate.
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13 DATED: August 19, 2020

RESPECTFULLY SUBMITTED,

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